IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

OP.No. 24788 of 2001(S)

TA.15/1999 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONER:

K.SANATHANAN NAIR,
UPPER DIVISION CLERK, JAWAHAR NAVODAYA VIDYALAYA
PALAYADNADA, BADAGARA, CALICUT 673 530.

BY ADV. SRI.O.V.RADHAKRISHNAN
SRI.M.A.SHIHABUDEEN

RESPONDENTS:
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1. NAVODAYA VIDYALAYA SAMITHI,
REPRESENTED BY ITS CHAIRMAN,
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPARTMENT OF EDUCATION) A-39, KAILASH
COLONY, NEW DELHI 110 048.

2. DIRECTOR,
NAVODAYA VIDYALAYA SAMITHI,
A-39, KAILASH COLONY, NEW DELHI 110 048.

3. DEPUTY DIRECTOR,
NAVODAYA VIDYALAYA SAMITHI,
REGIONAL OFFICE, 6-1-119/C, SKANDAGIRI ROAD,
BESIDE SARDAR PATTEL COLLEGE, PADMA RAO NAGAR,
SECUNDERABAD 500 025.

BY ADV. SRI.MATHEWS J.NEDUMPARA, SC, NAVODAYA
SRI. M.K.DAMODARAN,SC NAVODAYA VIDYALAYA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.24788/2001

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE ORDER PF NO.N-14/89-NVS (ADMN) DT.11.12.89 OF THE 1ST RESPONDENT.

EXT.P2: TRUE COPY OF THE OFFICE ORDER NO.PFNO.N-14 89-NVS (ADMN) DATED 27.11.90 OF THE 1ST RESPONDENT.

EXT.P3: TRUE COPY OF THE MEMORANDUM NO.F.NO.1-48(PF)/ NVS/H/R)92-93/324 DT.15.4.93 OF THE 1ST RESPONDENT.

EXT.P4: TRUE COPY OF THE LETTER OF THE PETITIONER TO THE CAO & JOINT SECRETARY, NEW DELHI TO THE OFFICE OF THE 1ST RESPONDENT.

EXT.P5: TRUE COPY OF THE OFFICE ORDER NO.F.NO.1-48/NVS(H/R)/ 93-94/3635 DT.10.8.1993 OF THE 3RD RESPONDENT.

EXT.P6: TRUE COPY OF THE RULES FOR ABSORPTIONOF DEPUTATIONISTS IN NAVODAYA VIDYALAYA SAMITI (NVS) SECUNDERABAD.

EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 8.2.97 OF THE PETITIOENR TO THE JOINT DIRECTOR, HYDERABAD REGION.

EXT.P8: TRUE COPY OF THE LETTER NO.F.NO.6-5/NVS(H/R)/97/201 DATED 24.4.97 OF THE 1ST RESPONDENT.

EXT.P9: TRUE COPY OF THE FINAL SENIORITY LIST/NAVODAYA VIDYALAYA SAMITI (HYDERABAD REGION UDCS OF JNVS AS ON 1.1.1997.

EXT.P10: TRUE COPY OF THE JUDGMENT IN CIVIL WRIT PETITION NO.6632/95 OF THE HON'BLE HIGH COUR TOF PUNJAB AND HARYANA DATED 8.9.1997.

EXT.P11: TRUE COPY OF THE NOTIFICATION NO.F2-29/94-NVS (ADMN) DATED 22.6.95 OF THE 2ND RESPONDENT.

EXT.P12: TRUE COPY OF THE CIRCULAR NO.F.NO.-11-1/NVS (ESTT)/ 97/201 DATED 9.10.1997 OF THE 3RD RESPONDENT.

EXT.P13: TRUE COPY OF THE REPRESENTATION DATED 29.10.97 OF THE EPTITIONER TO THE 2ND RESPONDENT.

EXT.P14: TRUE EXTRACT OF THE NOTIFICATION NO.F.NO.11-1/97 NVS (ESTT) DATED 7.4.1998 OF THE 3RD RESPONDENT.

OP 24788/2001

EXT.P15: TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE 4TH RESPONDENT IN OP NO.8266/98.

EXT.P16: TRUE COPY OF THE REJOINDER STATEMENT OF APPLICANT IN TA NO.15/1999.

EXT.P17: TRUE COPY OF THE ORDER DATED 11.4.1002 IN TA NO.15/99 OF THE H0N'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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O.P. NO. 24788 OF 2001

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Dated this the 22nd day of June, 2007

J U D G M E N T

Radhakrishnan, J.

This O.P is preferred against the order passed by the CAT in TA No.15/1999. The Tribunal was moved by the petitioner seeking a declaration that he is entitled to benefits of regular service in the grade of UDC for all purposes from the date from which he had been holding the post on deputation in terms of Ext.P6 Rules for Absorption of Deputationists under the 1st respondent-Samithi and for other consequential reliefs. Considerable emphasis has been made by the petitioner on Rule 5 of Ext.P17 wherein it has been stated that seniority has to be reckoned from the date from which one is holding the post on deputation. Rule 1.2 of the Rules however says that the Rules shall be applicable to those deputationists only who are already on deputation to NVS on the date those rules are adopted by the Samithi. Rules were adopted by the Samithi on 4/7/89. Admittedly petitioner joined duty on 5/12/89. Tribunal therefore rightly

declined his prayer for seniority and other benefits.

Counsel for the petitioner also referred to Ext.P10 judgment rendered by the High Court of Punjab and Haryana, which is not applicable to the facts of this case. That was a case where petitioners were on deputation as on 4/7/89, when the rule was adopted, unlike the case on hand. The Tribunal has rightly rejected the claim of the applicant. OP lacks merits. Dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp